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EMORIAL AND PETITION

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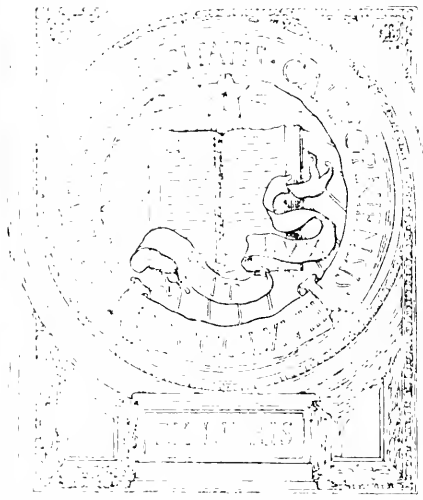

MEMORIAL AND PETITION

OF

JANET M. BALDWIN

TO

HON. THOMAS F. BAYARD

SECRETARY OF STATE

HENRY N. CLEMENT, Attorney and Counselor for Petitioner
San Francisco, California

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MEMORIAL AND PETITION

OF

JANET M. BALDWIN.

To Hon. Thomas F. Bayard, Secretary of State:

The Memorial and Petition of Janet M. Baldwin, a resident of the City and County of San Francisco, State of California, respectfully shows:

1. That she is the widow of Leon McLeod Baldwin, deceased, who was, during his lifetime, a citizen of the United States of America.

2. That the said Leon McLeod Baldwin was, as your petitioner is informed and verily believes, murdered by armed citizens of the Republic of Mexico, on the 19th day of August, 1887, near a certain gold and silver bearing quartz mine of which he was at said time superintendent, known as the "Valenciana" mine, and situated about eight miles from the town of Ventanas, in the State of Durango, in said Republic of Mexico.

3. That the facts and circumstances immediately connected with said murder are not personally known to your petitioner, but are only known to her through letters and correspondence received by her as the widow of said deceased, and also by other persons, relatives and friends of

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said deceased, from reliable sources and from credible persons in Mexico, whose names are hereinafter mentioned who have carefully inquired into the affair, and from said sources and in reliance upon the statements of said persons your petitioner alleges upon her information and belief that said facts and circumstances were as follows, to wit:

That on the said 19th day of August, 1887, the said Leon McLeod Baldwin was engaged in his business as a mining engineer and superintendent in the employ of Messrs. W. W. Carroll, Wallender, Ward and Almy. The said Carroll and his associates were each and all of them citizens of the United States, residing in the State of Durango, in said Republic of Mexico, and were sometimes designated "The American Company." Said company was engaged in carrying on the business of gold and silver quartz mining near and in the vicinity of said town of Ventanas as aforesaid, with the full permission, and under the promise of the protection of the Government of Mexico. That one of the mines owned and worked by the said Carroll and his associates and of which the said Leon McLeod Baldwin was superintendent, was the Valenciana mine, situated about eight miles by the road from the said town of Ventanas. That while the said Leon McLeod Baldwin was so engaged in the ordinary discharge of his duties as aforesaid, on said 19th day of August, 1887, and while he was in the act of alighting from the mule upon which he had ridden from

said town of Ventanas to the said Valenciana mine, he was suddenly fired upon and dangerously wounded in the right shoulder by two well known and desperate Mexican outlaws, whose names are, as your petitioner is informed and verily believes, Carlos Martinez and Vicente Besara, who had screened themselves behind some rocks near the mouth of a tunnel which led into said mine. The effect of said wound was so serious as to render the wounded man incapable of using his right arm, but he succeeded in getting his pistol in his left hand and retreating into the mouth of the tunnel, which was occupied by Mexican employees of the company.

The assassins at once demanded of the miners that Mr. Baldwin should come out of the tunnel and surrender himself, and said: "We intend to make away with the entire 'Gringo' Company [meaning the 'American' Company] *one by one* in the same way; and unless you bring him out at once we will fire upon you." The head miner reported the demand to Mr. Baldwin, and he sent him back to inquire if it was money they wanted, and if so, that he would see that they were paid any sum they might demand. A parley then ensued between the head miner and the assassins, in which, the assassins promised, that if Mr. Baldwin would come out of the tunnel and surrender himself, they would treat with him on a money basis and do him no harm. Relying upon their said promise and supposing that he could "regulate" [negotiate] with them, as Mr. Carroll

had done, as hereinafter set forth, he went out and surrendered himself to them. The assassins immediately ordered him to mount his mule. He succeeded in getting on the animal, but was so badly wounded and was so weak from loss of blood, that he could not guide the animal. The assassins called a boy from among the miners and ordered him to lead it, and then departed. After they had been gone some time the miners heard five shots fired, and, upon following the direction from which the sound proceeded, they found Mr. Baldwin lying dead upon the trail, shot through the head, the ball entering his right eye, going through his skull and coming out at the back of his head. They also found a wound upon his person which indicated that he had been struck with some blunt weapon.

4. Your petitioner further alleges, upon her information and belief, as aforesaid, that within a period of three months prior to the occurrences above mentioned, three other grave crimes had been committed against American citizens, employed by, and connected with, said American Company, the facts and circumstances of which are as follows, to wit:

Connected with and forming a part of the mining property owned by the said W. W. Carroll and his associates, otherwise known and designated as aforesaid, as the "American Company," was a rancho in the vicinity of said town of Ventanas, the superintendent of which was an American, named Smith. The same persons who sub-

sequently murdered Mr. Baldwin, as hereinbefore set forth, with other Mexicans to your petitioner unknown, made a descent upon the said rancho, murdered the said Smith, plundered the rancho, and departed in perfect safety, and thereafter mingled freely with the people and the constituted authorities of the vicinity, who made no effort whatever to arrest them and bring them to justice.

The facts relating to the murder of said Smith and the plunder of the rancho, were fully communicated by the said W. W. Carroll and his associates to the proper authorities of Mexico, and an urgent request made to send some properly organized force to afford protection to the American residents and employees of the company. But, as your petitioner is informed and verily believes, no adequate measures were taken to punish the outlaws or prevent a recurrence of their depredations.

After the murder of Mr. Smith as hereinbefore set forth, the said W. W. Carroll and his associates employed and sent to their said rancho another American citizen, named Blanche, to take the charge and superintendency of said rancho. He too was murdered by the same gang of Mexican assassins, who, after robbing his person, and plundering the place, rode away fifteen miles to a village where they openly stated in the presence of the citizens and constituted authorities of Mexico that they had killed the "foreigner" at the rancho, called together their friends, had a fan-

dango or dance, exhibiting money which they exultingly said they had taken from the body of their victim, and viciously announced their intention of driving the entire "Gringo" Company out of the country.

The murder of Mr. Blanche, and the puculiarly aggravating circumstances attending and following it, were immediately and urgently placed before the Mexican authorities by Mr. W. W. Carroll, who personally urged upon the Governor of the State of Durango that some effective steps be taken to punish the offenders and give better protection to the American employees of the company, who were murdered, not alone for plunder, but because they were Americans. The Governor promised that he would do something, but your petitioner is informed and verily believes that he did nothing, or, that what he did do, was weak and ineffective.

Another crime less serious in its consequences, but equally flagrant in its character, was committed by the same gang of Mexican outlaws, at or about the time of the perpetration of the foregoing offenses, upon Mr. W. W. Carroll, one of the said "American Company." Mr. Carroll, who enjoys the reputation in Mexico of being a man of large wealth, as well as a man of the strictest integrity, was waylaid on the public highway, while traveling in the vicinity of the town of Ventanas, forced, upon the threat of being shot if he disobeyed, to walk to the top of a high mountain, taken before a "Commandante" or Chief, who

upon discovering his identity demanded the sum of ten thousand dollars as a ransom for his release. He refused to promise what he could not fulfill. The Commandante then ordered him to be taken from the camp and shot. Finding him firm and unyielding in his determination not to pay so large a sum, they began to "regulate" [negotiate] with him, and finally agreed to accept the sum of five hundred dollars, in addition to the sum of one hundred and fifty dollars which they took from his person. He agreed to their terms, was released, and immediately upon arriving at his destination, remitted to them the five hundred dollars agreed upon.

5. Your petitioner is further informed and verily believes, that a little more than a year preceding the commission of the crimes hereinbefore described and set forth, a noted Mexican marauder named Eracilo Bernal, and a band of followers, took forcible possession of all the mines owned by Mr. W. W. Carroll and his associates and demanded a tribute of ten thousand ($10,000) dollars, and in order to enforce their demand took one Don Turbucio, the Sheriff of the county, as a hostage. Mr. Carroll and his associates appealed to the Mexican Government for protection, but protection was not furnished them, and they were forced to pay, and did pay to said Bernal, the sum of ten thousand ($10,000) dollars in monthly installments of two thousand ($2000) dollars a month.

That notwithstanding said payment, Don Turbucio was shot in violation of the agreement under which he was held, solely upon the ground that he was "suspected of sympathizing with the Americans." The facts relating to this case were laid before the Department of State by John W. Twiggs, Esq., of this city, in October, 1886, and as your petitioner is informed and verily believes, were transmitted by the Department of State to the American Consul at Mazatlan for verification, and your petitioner therefore refers to said statement, and makes the same a part of her petition and memorial herein.

6. Your petitioner further alleges upon her information and belief, that when the occurrences set forth in the last preceding paragraph took place, the said W. W. Carroll wrote a letter fully setting forth said facts, and transmitted the same to Daniel Turner, an American citizen residing in the City of Mexico, requesting him to place the same before the Mexican Government and ask for protection. That said communication was placed before the American Minister, Mr. Manning, who presented the same to the Mexican Government, and that he was informed by the Mexican Government that "*it had no troops that it could place there.*"

7. Your petitioner further alleges that the assassination of her husband, the said Leon McLeod Baldwin, by Mexican outlaws, was the direct result of the gross neglect of the Mexican Government in failing to protect him against the

Mexican prejudice and Mexican hatred which exists against Americans in that vicinity of Mexico, where he was peaceably engaged in attending to his legitimate business, under the promise of the protection of the Mexican Government. That numerous appeals were made to the constituted authorities of the county, also to the Governor of the State of Durango, as also to the head of the Mexican Government at the City of Mexico, as hereinbefore set forth; and that no adequate attention was paid to said appeals. That as late as the 21st day of July, nearly one month prior to the murder of Mr. Baldwin, which occurred, as aforesaid, on the 19th day of August, the said W. W. Carroll applied personally to the Governor of Durango for assistance, and while promises of assistance were freely made, none was given until some time after Mr. Baldwin's murder, and then only ten men were sent to the place of the murder. That during the three months intervening between the murder of Mr. Smith and that of Mr. Baldwin, no adequate measures were taken to furnish protection against the murderers, who openly avowed their intention of killing, one by one, the entire "Gringo" [or "American"] Company; and no measures whatever were taken to bring the assassins to justice, or to punish them for their crimes. That an absolute reign of terror existed in that vicinity for a long time prior to Mr. Baldwin's murder, of which the Mexican authorities had full and repeated notice, and said authorities either feared

to interfere or were leagued in sympathy with the murderers. That the constituted authorities were openly defied by the murderers, who had at all times the undisguised sympathy of the common people with whom they mingled. The assassins boldly stated to the miners, after they had fired the first shot into Mr. Baldwin, and while he was striving to find safety from them in the darkness of the tunnel, that they "*were going to finish up all the Gringos, one by one, in the same way,*" and, subsequently, took no pains to conceal their whereabouts, or their identity, from the people in the vicinity, and enjoyed perfect immunity from arrest by the officers of the county where they dwelt. To such an extent are the constituted authorities still defied, and so formidable is the reign of terror which still exists there, that the said W. W. Carroll and his associates dare not openly offer a reward for the apprehension and punishment of the murderers, but appealed to the said Daniel Turner, a resident of the City of Mexico, and a brother in law of Mr. Baldwin, to allow them to offer a reward in *his name*, to avoid the personal danger to themselves which they apprehended from having their names appended to the offer. That for months prior to the murder of Mr. Baldwin, and since said murder, the said W. W. Carroll and his associates and employees have been receiving warnings that their movements were watched, and not to expose themselves to assassination. So well aware was Mr. Baldwin of the danger that surrounded him

on every hand, that, before starting out on the tour of inspection on which he was engaged when he was murdered (and over a month before he was murdered), he wrote to his wife, your petitioner, to his only son, Murray Baldwin, a lad fifteen years of age, to his friend Mrs. Abbie M. Parrott, a lady of San Francisco, to his only brother, General John M. Baldwin, of the City of Los Angeles, California, such letters as he would have written if he had known he was going to his death; and left instructions that they be transmitted in case he did not return. Each and all of said letters have since been delivered to the said persons for whom they were intended, and in them he bears testimony to the reign of terror which then, and for a long time prior thereto, had existed, and to the threats that had been breathed against the American residents. In one of his letters, written about one month prior to his death, to his friend John W. Twiggs, Assayer of the U. S. Mint in San Francisco, Mr. Baldwin says: "So extreme is the hatred of foreigners that prevails among the people in that vicinity (referring to Ventanas) that to kill a 'Gringo,' no matter how, is regarded as a deed of prowess, and to rob one elicits the covert approval of the lower classes."

8. Your petitioner further states, upon her information and belief, that no merely personal motive entered into the commission of any of said crimes. That no personal hatred or spite existed against either the said Mr. Smith, Mr. Blanche,

Mr. Carroll or Mr. Baldwin, by the perpetrators of the outrages against them. That the said Carroll and his associates do now, and have always, conducted their mining and other business in Mexico in a fair and upright manner, paying to their employees ample and satisfactory wages, and furnishing to them a far better class of supplies than is usually furnished to miners in Mexico. That neither said W. W. Carroll, nor any of his said employees, ever at any time had quarrels or personal altercations, of any character, either with the perpetrators of said crimes, with the inhabitants of the country, or with the constituted authorities thereof; but each and all of said crimes were perpetrated against the victims because they were Americans, and because of the prejudice and hatred which existed against them as Americans.

9. Your petitioner further alleges upon her information and belief that numerous other outrages and crimes, not hereinbefore mentioned or alluded to, were committed against American citizens in the vicinity of said town of Ventanas, within three months prior to the assassinations and crimes hereinbefore described and set forth. That among said crimes so committed against Americans was that against an unoffending American citizen named Swartwout, who was robbed by the same band who perpetrated the other outrages hereinbefore alluded to. Another American citizen named Gilman sold and disposed of his interest in valuable mines near Ventanas for

whatever price he could get, in order to be able to leave the country and avoid the reign of terror which existed there.

10. Your petitioner is further informed and verily believes that in less than two weeks after the assassination of her husband, the said Leon McLeod Baldwin, as hereinbefore set forth, the same band of Mexican outlaws visited a Mexican village named Duragno, distant about one day's ride from Ventanas, robbed a Mexican merchant there, kidnapped his son, and captured and carried away one of the inferior judges of the village, for the purpose of ransom. This outrage committed against Mexican citizens aroused the Mexican inhabitants. Then, and not until then, did the citizens *(not the constituted authorities)* arouse themselves. They pursued and overtook the criminals, killed Carlos Martinez, one of the assassins of the said Leon McLeod Baldwin, wounded Vincente Besara, another, and killed also Esporidon Morales, who had previously threatened Mr. Baldwin's life for having discharged him from one of the mines, but who did not, as your petitioner is informed, participate in his murder.

11. Your petitioner further alleges that she has been advised by her counsel and she verily believes that if the facts hereinbefore set forth are true, she is, by the comity of nations, and under the principles of international law, legally and equitably entitled to demand from the Mexican

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Government a reasonable and proper money indemnity for the loss she and her son have sustained through the culpable neglect of that Government, in failing to furnish protection to her husband, the said Leon McLeod Baldwin, an American citizen, against the lawless citizens of Mexico, after due and timely notice had been given to said Government to render such protection. And she is further advised, and she verily believes, that one hundred thousand ($100,000) dollars in gold coin of the United States would be a just and reasonable sum for her to demand and receive as the amount of such indemnity.

Wherefore, your petitioner presents this her Memorial and Petition to the Department of State and prays:

First. That the Honorable Secretary of State will immediately institute such an inquiry as in his wisdom he may deem advisable as to the truth of the facts hereinbefore set forth, and that if the same are verified as true, that—

Second. The Honorable Secretary of State will make such request, or demand for indemnity, upon the Mexican Government, as the customs and usages of nations require, and that in case such request or demand shall not be heeded, or shall be refused, that this memorial and petition may be transmitted to, and laid before, the Congress of the United States, for such action by that Honorable body as it, in its wisdom, may deem proper, and—

Third. That your petitioner may be duly notified of all steps and proceedings that may be taken by her Government in her behalf.

Dated San Francisco, California, October 6th, 1887.

JANET M. BALDWIN,
Petitioner.

HENRY N. CLEMENT,
Attorney and Counsellor for Petitioner,
528 California Street,
San Francisco, California.

STATE OF CALIFORNIA,
City and County of San Francisco. } ss.

Janet M. Baldwin having been duly sworn says that she is the Petitioner in the foregoing Petition and Memorial, that she has read the foregoing Petition and Memorial, and knows the contents thereof, that the same is true of her own knowledge, except as to the matters therein stated on her information or belief, and that as to those matters she believes it to be true.

JANET M. BALDWIN.

Subscribed and sworn to before me, }
this sixth day of October, A D. 1887. }

HOLLAND SMITH,
A Commissioner for the Court of Claims for the State of California, residing in the City and County of San Francisco.

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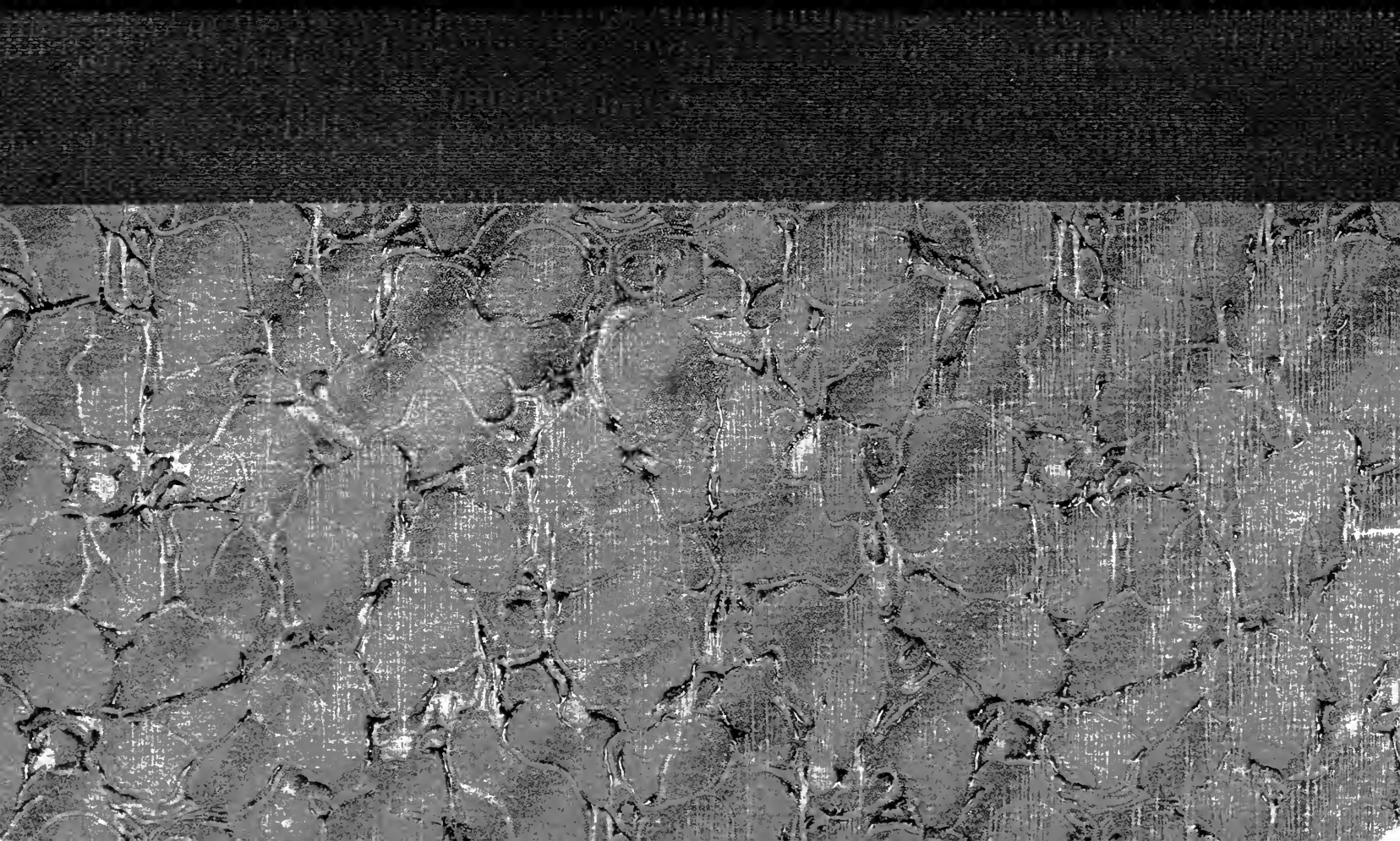
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